

**GRANT F. LANGLEY**  
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THOMAS D. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

May 19, 2008

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,  
S.C for legal fees for Police Officer Gregory Colker  
C.I. File No. 07-S-243-2; EC 2481

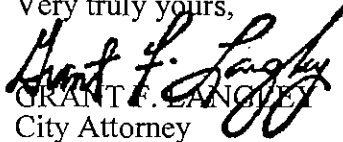
Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officer Gregory Colker. The claim is in the amount of \$526.00 including \$9.00 in disbursements for 4.70 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
Assistant City Attorney

JAS:amp  
Enc.

1032-2007-1825:124858v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

**Milwaukee Police  
Department**

# Memo

**To:** Police Officer Gregory Colker  
**From:** Deputy Inspector Mary K. Hoerig  
**Date:** 8/10/2007  
**Re:** Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An Incident which occurred on May 22, 2007
- An Officer-Involved Shooting

Is this information correct?

YES  NO

Did you receive legal representation in this matter?

YES  NO

Your Signature: *P.O. Colker*

Print Your Name: Greg Colker

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

07 AUG 16 AM 10:46  
 MILWAUKEE POLICE  
 INTERNAL AFFAIRS  
 RECEIVED

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

Laurie A. Eggert  
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
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June 29, 2007

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

**RE: MPD Criminal Investigation: Officer-Involved Shooting**  
**Regarding: PO Gregory Colker**  
**Date of Incident: May 22, 2007**  
**Location of Incident: South Kinnickinnic Avenue and East Ward Street**

Dear Mr. Leonhardt:

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 or more working days. §895.35(2), STATS.

Officer Colker is considered a "protective services officer" under the statute. He has incurred the fees compiled in this claim as a direct result of his being investigated for actions taken within his official capacity, and in the performance of his duties, in connection with the use of deadly force.

2007 JUL -5 PM 2:54  
CITY OF MILWAUKEE  
RONALD D. LEONHARDT  
CITY CLERK

2007 JUL -6 AM 11:18  
CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY

None of the "exceptions" apply<sup>1</sup>.

The incident resulted in the District Attorney's Office conducting a criminal investigation into the shooting of Steven Bucholtz, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Attached is a copy of DA Chisholm's letter dated June 1, 2007 confirming that Officer Colkers's actions were privileged and in self-defense.

Sincerely,

CERMELE & ASSOCIATES, S.C.

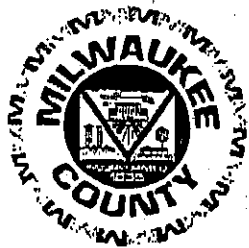
A large, stylized handwritten signature in black ink, appearing to read 'Jon Cermele', is written over the typed name and company name.

Jon Cermele

/kjs  
Enclosures  
OFFICER COLKER

---

<sup>1</sup> The officer was not convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. *See 895.35(2)(b), STATS.*



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

JOHN T. CHISHOLM • District Attorney

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Kent L. Lovem
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David T. Malino
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Paul Westrich
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Kathryn K. Sauer
Jeanette Corbett
Jeffrey R. Grupp
David Hoot
Donald J. Gaultier
Sara P. Scoullon
T. Christopher Deo
Lisa P. Facker
Tiffany J. Hattie
Dante H. Humber
Jacob D. Cox
Joy Hammond
Trevor A. Slack
Andrew J. Meier
Karl E. Galvan
Nancy A. Ness
Ericabon Mueller
Megan J. Paulsen
Gretchen L. Huebner
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Christine M. Quinn
Michelle Ackerman
Aman J. Levin
Jennifer K. Rhoades
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Robbass A. Kietler
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Sara Beth Lewis
Lauron A. Dumenthal
Aaron C. Hart
Rory Kihnaly
Jenni Spivee
Latrice Hineson
David M. Stuyall
Amanda Kirlewski

June 1, 2007

Chief Nannette Hegerty
Milwaukee Police Department
951 N. James Lovell St., Room 705A
Milwaukee, WI 53233

RE: Milwaukee Police Officer Gregory Colker, PS No. 006710

Dear Chief Hegerty:

On May 22, 2007, Milwaukee Police Officer Gregory Colker shot and killed citizen Steven Bucholtz after responding to what was reported as an attempted armed robbery and shooting in the area of S. Kinnickinnic Ave. and E. Ward St., Milwaukee.

Officer Colker was informed that a man had attempted to rob a citizen walking in the area had fired two gunshots toward the intended victim, though not striking the victim, then immediately fled. Shortly after arriving at the scene, Officer Colker quickly identified Steven Bucholtz as an individual matching the description of the suspect. Bucholtz refused to drop a leather coat despite numerous commands from Officer Colker and other responding officers to drop the coat and get on the ground. Bucholtz deliberately withdrew a semi-automatic pistol from the coat and was in the process of lowering the weapons muzzle towards Officer Colker, at which time Officer Colker fired his service weapon, fatally wounding Bucholtz. Mr. Bucholtz repeatedly asked the officers to shoot him during the encounter.

I have spoken to the family of Mr. Bucholtz and they related a series of tragedies that had recently befallen Mr. Bucholtz prior to this encounter, and felt he was suicidal. They are deeply sorry for the circumstances Officer Colker encountered and want to express that they do not believe Mr. Bucholtz wanted to harm anyone but himself, but also understand that the officer had to use deadly force in this situation.

Based upon my personal review and information gathered through investigation of this incident, I am satisfied that Officer Gregory Colker committed no crime and his actions were privileged by self-defense under 939.48, Stats.

Very truly yours,

[Handwritten signature of John Chisholm]
John Chisholm
District Attorney

cc Deputy Chief Brian O'Keefe, Atty. Jon Cermele

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

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LAURIE A. EGGERT  
- OF COUNSEL -

June 29, 2007

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Officer-Involved Shooting  
Regarding: PO Gregory Colker  
Date of Incident: May 22, 2007  
Location of Incident: South Kinnickinnic Avenue and East Ward Street  
Professional services

	<u>Hours</u>
5/22/2007 Telephone call from MPD regarding officer-involved shooting; travel to PAB; meeting with PO Colker; discussions with CIB and DA; attend PO Colker's statement to CIB and DA; return travel; open file; memos to file.	4.00
5/24/2007 Telephone call from CIB.	0.20
6/5/2007 Receive and review written confirmation from DA Chisholm confirming that client's use of force was privileged and justified; correspondence to client regarding same; close file.	0.50
	<u>Amount</u>
For professional services rendered	4.70
Additional charges:	\$517.00
5/22/2007 Parking	9.00
	<u>Total costs</u>
	\$9.00

Mr. Ronald Leonhardt

Page 2

Amount

Total amount of this bill

\$526.00

Balance due

\$526.00

(Rate: \$110.00 per hour)